

- **Town of Belmont**
- **Capital Budget Committee**
- **Belmont High School, Room 112**
- **Monday Evening, April 28, 2008, 6:30 p.m.**

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• The Capital Budget Committee met in joint session with the Warrant Committee before the first session of the Annual Town Meeting to consider certain amendments that had been filed in writing the previous week. Those amendments pertained to motions proposed under Articles 10 and 20 on the Warrant for the Annual Town Meeting. Those proposed motions, incorporating proposed amendments, are attached as Exhibits A and B. The committees conducted their investigations and discussions jointly but they voted separately. The chairmen of the committees, Philip Curtis for the Warrant Committee and M. Patricia Brusch for the Capital Budget Committee, presided alternatively during the joint portions of the meeting but presided separately during the votes and for the purposes of calling the meetings of each of the committees together.

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• Mrs. Brusch called the Capital Budget Committee to order at 6:30 p.m. Members of the Committee present at the time of the call to order were: M. Patricia Brusch, Mark F. Clark, Jennifer M. Fallon, and Anne Marie Mahoney. Also present were Thomas Younger, Town Administrator; Barbara Hagg, Town Accountant and staff liaison to the Capital Budget Committee; Floyd Carmen, Town Treasurer; members of the Warrant Committee; and persons referred to below who spoke to the joint meeting. Diane Stafford joined the meeting during the discussion of Article 20.

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• The first item on the agenda was the proposed amendment submitted by Rosemarie Burke regarding Article 10. The amendment would provide that no more than 1% of the money spent on Pavement Management is to be spent on police details. Glenn Clancey, Director of Community Development, who would be responsible for administering any funds appropriated under Article 10 for Pavement Management, spoke. Historically, the cost of police details for the Town has been between 7 and 9% of the Pavement Management budget. This compares appropriately with the 8% average figure that the Massachusetts Highway Department furnished to Mr. Clancey. Although state law does not require the use of police, it does preclude the use of flagmen. Mr. Clancey pointed out that this is an issue of public safety and that the Police Department must approve the safety arrangements for street work. He made it clear that the burden of safety should not be shifted to him or pavement contractors in the manner suggested by this amendment and that this amendment would impeded his ability to expend available funds on Pavement Management. A member of the Warrant Committee offered the view that this might be an issue that requires labor bargaining.

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• A motion was made and seconded that the Warrant Committee recommend unfavorable action with regard to the amendment. After the Warrant Committee vote, Mrs. Brusch called for a vote by members of the Capital Budget Committee. Those present voted unanimously to recommend unfavorable action on the proposed amendment. Mrs. Mahoney, Ms. Fallon and Mr. Clark all expressed the view

that state law should be amended to permit at least some flagmen. Ms. Fallon, joined by Mrs. Brusch, asked that the selectmen consider the use of flagmen.

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- The next item of business were proposed amendments to motions proposed under Article 20. The amendments would have the effect of making both the closure of one block of Horne Road and the sale of the municipal parking lot in Cushing Square contingent upon final approval of a development plan under the zoning overlay district in Cushing Square. Sami Baghdaddy, member of the Planning Board and proponent of the two amendments, spoke. Most of the ensuing discussion concerned whether and to what extent these amendments might meet the concerns of the neighborhood adjoining the southwest quadrant of Cushing Square. During the discussion, it became apparent that a neighborhood group of some of those in the southwest quadrant of Cushing Square would meet the next evening with Mr. Baghdaddy to explore the issues raised by the motions and amendments proposed under Article 20. Donald Becker, one of the residents of the neighborhood, spoke.

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- Members of each of the Committees meeting in joint session expressed the view that the motions proposed under Article 20 would be better motions with the amendments. It also became apparent that the Capital Budget Committee could not be certain of a quorum at another meeting to be held after Mr. Baghdaddy had met with the neighborhood group. Upon motions duly made and seconded, the Capital Budget Committee voted to recommend favorable action on each of the two proposed amendments. The vote was the same on each amendment. Mrs. Brusch, Dr. Stafford, Ms. Fallon and Mr. Clark each voted “yes” and Mrs. Mahoney voted “no”. Then the Committee considered a motion whether to recommend favorable action on the motions under Article 20 as amended. Again, the vote was the same: Mrs. Brusch, Dr. Stafford, Ms. Fallon and Mr. Clark voted: “yes”; Mrs. Mahoney voted “no.” Mr. Clark observed that the best solution might still be for the Selectmen to withdraw Article 20 until a special town meeting in the fall.

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- The meeting was adjourned at about 7:17 p.m.

Respectfully submitted,

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Mark F. Clark

- Exhibit A

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- Proposed amendment to Article 10

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- MOVED:....Said sums to be expended under the direction of the Board of Selectmen,

- the Library Trustees and the School Committee as appropriate provided that not more

- than 1% of the Pavement Management Program be appropriated for police details; and
- that the said sums be hereby raised as follows:.....
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- **MOVED:** That the Town appropriate \$2,500,000 from the Roads Stabilization Fund for
- the Pavement Management Program, not more than 1% of said Fund or Program being appropriated for police details, contingent upon the establishment....
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- April 25, 2008
- Rosemary Burke
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- Exhibit B
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- ARTICLE 20

- **MOVED:** That the Town discontinue a portion of Horne Road as a public way for all purposes for a distance of approximately 125 feet on the southerly side of the way and approximately 150 feet on the northerly side of the way and shown as "the Discontinued Section of Horne Road" on a Plan entitled "Cushing Square, Belmont, MA 02478, Lot Compilation Plan," dated March 3, 2008, made by R. J. O'Connell & Associates, Inc.; a copy of which is on file with the Town Clerk, subject to the reservation of pedestrian access in said way; and further authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise a pedestrian access easement and a utility easement over the discontinued portion of Horne Road in a location and width to be determined by the Board of Selectmen; provided that the petitioner of the request to discontinue Horne Road shall provide satisfactory security to the Board of Selectmen indemnifying the Town for all damages arising from said discontinuance as required under General Laws Chapter 82, Section 24, ***and provided further that said discontinuance shall become effective only upon the conveyance of the parcel of land identified as Lot 12- 211A pursuant to vote of the Town Meeting under this Article 20.***

- **MOVED:** That the Town transfer the care, custody, management, and control of a parcel of land identified as Lot 12-211A, also known as 116 Trapelo Road, as shown on a Plan entitled "Cushing Square, Belmont, MA 02478, Lot Compilation Plan," dated March. 3, 2008, made by R. J. O'Connell & Associates, Inc.: on file with the Town Clerk, from the Board of Selectmen currently held for fire station and general municipal purposes to the Board of Selectmen to be held for the purpose of conveyance; and authorize the Board of Selectmen to convey said parcel, in accordance with the requirements of the Uniform Procurement Act, General Laws

Chapter 30B, Section 16, provided however that said conveyance shall be conditioned on: (a) the Town's acquiring by purchase, gift, eminent domain or otherwise a public parking easement for at least 50 parking spaces within the Cushing Square Overlay Zoning District, which the Board of Selectmen is hereby authorized to acquire in the name of the Town, and ***(b) design and site plan approval by the Planning Board for any improvement of said land, and (c) issuance of any and all special permits which may be required for development of said parcel in accordance with the requirements of the Zoning By-law applicable to the Cushing Square Overlay Zoning District or otherwise, and (d) the expiration of all applicable appeal periods therefor, without appeal by parties in interest;*** and further authorize the Board of Selectmen to take all actions necessary to accomplish this vote.